

**AGREEMENT**  
**BETWEEN THE ROYAL GOVERNMENT OF CAMBODIA**  
**AND**  
**THE GOVERNMENT OF THE UNITED STATES OF AMERICA**  
**REGARDING THE NON-SURRENDER**  
**OF PERSONS TO THE INTERNATIONAL CRIMINAL COURT**

The Royal Government of Cambodia and the Government of the United States of America, hereinafter referred to as "The Parties",

Reaffirming the importance of bringing to justice those who commit genocide, crimes against humanity and war crimes,

Recalling that the Rome Statute of the International Criminal Court done at Rome on July 17, 1998 by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court is intended to complement and not supplant national criminal jurisdiction,

Considering that the Government of the United States of America expressed its intention to investigate and to prosecute where appropriate acts within the jurisdiction of the International Criminal Court alleged to have been committed by its officials, employees, military personnel or other nationals,

Bearing in mind Article 98 of the Rome Statute,

Hereby agree as follows :

- 1- For purpose of this agreement, " persons " are current or former Government officials, employees (including contractors), or military personnel or nationals of one Party.
- 2- Persons of one Party present in the territory of the other shall not, without the expressed consent of the first Party,
  - (a) be surrendered, or transferred by any means to the International Criminal Court for any purpose, or
  - (b) be surrendered or transferred by any means to any other entity or third country, or expelled to a third country, for the purpose of surrender to or transfer to the International Criminal Court.
- 3- When the United States extradites, surrenders, or otherwise transfers a person of the Kingdom of Cambodia to a third country, the United States will not agree to the surrender or transfer of that person to the International Criminal Court

21/8

by the third country, without the expressed consent of the Royal Government of Cambodia.

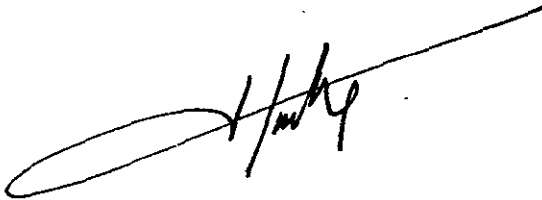
- 4- When the Royal Government of Cambodia extradites, surrenders, or otherwise transfers a person of the United States of America to a third country, the Royal Government of Cambodia will not agree to the surrender or transfer of that person to the International Criminal Court by a third country, without the expressed consent of the Government of the United States.
- 5- This Agreement shall enter into force upon an exchange of notes confirming that each Party has completed the necessary domestic legal requirements to bring the Agreement into force. It will remain in force until one (01) year after the date on which one Party notifies the other of its intent to terminate this Agreement. The provisions of this Agreement shall continue to apply with respect to any act occurring, or any allegation arising, before the effective date of termination.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this present Agreement.

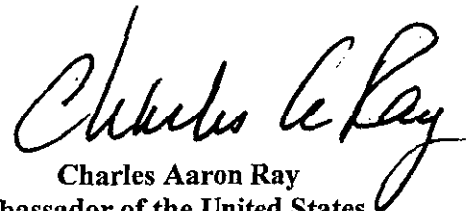
DONE at Phnom Penh, this 27th.day of June 2003 in duplicate in English and Khmer languages, both texts being equally authentic. In case of any divergence of interpretation, the English text shall prevail.

FOR THE ROYAL GOVERNMENT  
OF CAMBODIA

FOR THE GOVERNMENT OF  
THE UNITED STATES OF AMERICA



HOR Namhong  
Senior Minister  
Minister of Foreign Affairs  
and International Cooperation



Charles Aaron Ray  
Ambassador of the United States  
of America to the Kingdom of  
Cambodia